

THURSDAY, JANUARY 13, 2022

THIRTY-SEVENTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Sexton.

The proceedings were opened with prayer by Rep. Williams.

Representative Williams led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 95

Representatives present were Alexander, Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Cooper, Crawford, Curcio, Doggett, Eldridge, Faison, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie, Miller, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton -- 95

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Farmer

Representative Dixie

Representative Darby; illness

Representative Mitchell

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 118 Rep. Marsh as prime sponsor.

House Resolution No. 119 Reps. Clemmons, Thompson, Camper and Love as prime sponsors.

THURSDAY, JANUARY 13, 2022 – THIRTY-SEVENTH LEGISLATIVE DAY
UNOFFICIAL VERSION

House Resolution No. 120 Reps. Parkinson, Love, Shaw, Hardaway, Freeman and Harris as prime sponsors.

House Joint Resolution No. 662 Rep. Camper as prime sponsor.

House Joint Resolution No. 663 Rep. Ramsey as Second prime sponsor.

House Joint Resolution No. 663 Reps. Russell and Keisling as prime sponsors.

MESSAGE FROM THE SENATE
January 13, 2022

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 774; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Joint Resolution No. 774** -- Memorials, Retirement - Darlene Walker Schlicher. by *Yager, *McNally, *Haile, *Johnson, *Bailey, *Bell, *Briggs, *Crowe, *Gardenhire, *Hensley, *Jackson, *Kelsey, *Lundberg, *Massey, *Niceley, *Pody, *Powers, *Reeves, *Roberts, *Rose, *Southerland, *Stevens, *Swann, *Walley, *Watson, *White, *Yarbro, *Campbell, *Gilmore, *Kyle.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for January 19, 2022:

House Resolution No. 121 -- Memorials, Death - Col. Sammie Lee "Sam" Lyles. by *Keisling.

House Resolution No. 122 -- Memorials, Personal Occasion - David and Joanna Harer, 53rd wedding anniversary. by *Keisling.

***House Joint Resolution No. 664** -- Memorials, Retirement - Leland C. Blackwood. by *Ramsey, *Moon.

***House Joint Resolution No. 665** -- Memorials, Recognition - Mayor Philip Cagle. by *Travis.

***House Joint Resolution No. 666** -- Memorials, Recognition - WGNS, 75th anniversary. by *Sparks, *Baum, *Rudd, *Terry.

***House Joint Resolution No. 667** -- Memorials, Sports - University School of Nashville boys' cross country team, TSSAA Division II, Class A state champions. by *Clemmons.

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**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution listed was noted as being placed on the Consent Calendar for January 19, 2022:

***Senate Joint Resolution No. 774** -- Memorials, Retirement - Darlene Walker Schlicher. by *Yager, *McNally, *Haile, *Johnson, *Bailey, *Bell, *Briggs, *Crowe, *Gardenhire, *Hensley, *Jackson, *Kelsey, *Lundberg, *Massey, *Niceley, *Pody, *Powers, *Reeves, *Roberts, *Rose, *Southerland, *Stevens, *Swann, *Walley, *Watson, *White, *Yarbro, *Campbell, *Gilmore, *Kyle.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 1711** -- Alcoholic Beverages - As introduced, extends from 15 to 21 days the time by which the alcoholic beverages commission must conduct a hearing based on a person's claim to contraband seized by the commission. - Amends TCA Title 57. by *Jernigan.

***House Bill No. 1712** -- Taxes, Sales - As introduced, provides for the allocation of certain revenue from state and local sales taxes to pay for the capital and operation expenses associated with a new public parking garage in Montgomery County. - Amends TCA Title 67, Chapter 6. by *Hodges, *Johnson C.

***House Bill No. 1713** -- Utilities, Utility Districts - As introduced, changes the process by which the utility management review board may address financially distressed utility districts by merger or consolidation; creates a fund administered by the board to provide grants to utility districts that have merged or consolidated to mitigate the financial impact of the merger or consolidation. - Amends TCA Title 7, Chapter 82, Part 7. by *Marsh.

***House Bill No. 1714** -- Election Laws - As introduced, enacts the Verify Our Tennessee Elections (VOTE) Act; requires county election commissions to conduct a forensic audit, canvassing, and review of the chain of custody of ballots and equipment from the 2020 general election for purposes of determining the accuracy of the election results for the president of the United States and for each United States congressional election. by *Warner.

***House Bill No. 1715** -- Education, Curriculum - As introduced, removes authorization for students in grades seven and eight to enroll in course access program courses; removes the authority of the state board of education to approve and adopt additional enrollment requirements for course access program courses; authorizes the state board to establish additional grounds and requirements for the exclusion of courses from the course access catalog. - Amends TCA Title 49, Chapter 18. by *Warner.

***House Bill No. 1716** -- Education, Dept. of - As introduced, requires the commissioner to submit the commissioner's strategic plan for the department, and any proposed amendments

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THURSDAY, JANUARY 13, 2022 – THIRTY-SEVENTH LEGISLATIVE DAY
UNOFFICIAL VERSION

to, or deviations from, the department's strategic plan, to the state board of education for approval. - Amends TCA Title 4, Chapter 3, Part 1; Title 4, Chapter 3, Part 8 and Title 49. by *Warner.

***House Bill No. 1717** -- Education, Dept. of - As introduced, requires a person appointed by the governor to serve as the commissioner of education to be confirmed by the general assembly by joint resolution in order to serve as the chief executive officer of the department; requires the commissioner to submit the commissioner's strategic plan for the department to the state board of education for approval. - Amends TCA Title 4, Chapter 3, Part 1; Title 4, Chapter 3, Part 8 and Title 49. by *Warner.

***House Bill No. 1718** -- Pensions and Retirement Benefits - As introduced, authorizes retirement credit for Tennessee consolidated retirement system members who are honorably discharged veterans of the United States armed forces. - Amends TCA Title 8, Chapter 34; Title 8, Chapter 35 and Title 8, Chapter 36. by *Warner.

***House Bill No. 1719** -- TennCare - As introduced, extends the expiration date for the ground ambulance provider assessment from June 30, 2022, to June 30, 2023; requires, if the quarterly transport data is not adequate or available for the calculation of medicaid ambulance provider assessments, that the bureau of TennCare use total transports submitted to the office of emergency medical services for calendar year 2021, instead of using such data for calendar year 2020. - Amends TCA Title 5; Title 7; Title 56; Title 68 and Title 71. by *Reedy.

***House Bill No. 1720** -- Humphreys County - As introduced, remits all sales and use taxes collected from dealers in Humphreys County from the general fund to Humphreys County for fiscal years 2022-2024, as the result of severe storms and flooding that occurred on or about August 21, 2021; authorizes residents of Humphreys County to apply for a refund of sales and use taxes paid for certain goods damaged or destroyed as the result of such storms and flooding. - Amends TCA Title 67, Chapter 4 and Title 67, Chapter 6. by *Reedy.

***House Bill No. 1721** -- Taxes, Real Property - As introduced, authorizes local governing bodies, by a two-thirds vote, to prorate the 2021 tax assessment for a homeowner's real property or business owner's personal property, if the property was damaged as a result of a FEMA certified disaster between August 20, 2021, and December 31, 2021; expires on December 31, 2022. - Amends TCA Title 67, Chapter 5 and Title 67, Chapter 6. by *Reedy.

***House Bill No. 1722** -- Pensions and Retirement Benefits - As introduced, allows a retired member of the Tennessee consolidated retirement system to cancel the selected designation of beneficiary upon the written request of the member, under certain circumstances. - Amends TCA Title 8, Chapter 34; Title 8, Chapter 35; Title 8, Chapter 36 and Title 8, Chapter 37. by *Russell.

***House Bill No. 1723** -- Local Education Agencies - As introduced, requires an LEA's policy on the inspection of school instructional materials by parents and legal guardians of students enrolled in the LEA to allow a student's parent or legal guardian to check out from the student's school one set of the instructional materials used in the student's classroom for a period of no less than 48 hours to allow the parent or legal guardian time to inspect the materials. - Amends TCA Title 49. by *Casada.

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**THURSDAY, JANUARY 13, 2022 – THIRTY-SEVENTH LEGISLATIVE DAY
UNOFFICIAL VERSION**

House Bill No. 1724 -- Corporations, Not for Profit - As introduced, holds the directors, trustees, or members of the governing body of a 501(c)(19) nonprofit corporation, association, or organization immune from suit arising from the conduct of the affairs of the corporation, association, or organization as long as the conduct at issue does not constitute willful, wanton, or gross negligence. - Amends TCA Title 48. by *Moon, *Ragan, *Hawk, *Whitson, *Hall, *Windle, *Hodges, *Beck, *Wright, *Johnson C.

House Bill No. 1725 -- Tennessee Higher Education Commission - As introduced, requires the commission to include the average annual earnings of cohorts matriculating at 150 percent and 250 percent of the cohorts' expected time of degree completion in the outcomes-based funding formula model; requires same to be weighted in the model at 25 percent for four-year colleges and universities and at 50 percent for community colleges and colleges of applied technology. - Amends TCA Title 49, Chapter 7. by *Cochran.

***House Bill No. 1726** -- Education, State Board of - As introduced, requires the board, in consultation with the department of education, to develop an alternative graduation pathway for high school students interested in pursuing technical training or a technical career after graduation; authorizes the commissioner of education to waive graduation requirements if compliance with same would delay or impair a student's ability to pursue technical training or their technical career goals. - Amends TCA Title 49. by *Haston, *Cepicky.

***House Bill No. 1727** -- Utilities, Utility Districts - As introduced, changes compliance requirements for existing training and education requirements of municipal utility board members, utility district commissioners, and the local municipalities and utility districts that they serve; adds reporting requirements for entities regarding certain water for resale contracts; changes certain water loss requirements; transfers certain compliance oversight to the Tennessee public utility commission. - Amends TCA Section 7-34-115; Section 7-82-307; Section 7-82-308; Section 7-82-314; Section 7-82-401; Section 7-82-702; Section 7-82-705; Section 7-82-709; Section 68-221-1010; Section 68-221-1012; Section 68-221-1016; Section 68-221-1206; Section 68-221-1006 and Section 68-221-1009. by *Gillespie.

***House Bill No. 1728** -- Public Funds and Financing - As introduced, specifies that certain modification of an outstanding obligation is a refunding of the modified obligation for purposes of compliance with the Local Government Public Obligations Act of 1986; revises the publication requirements for the report issued by the comptroller of the treasury regarding a bond or note issuance by an authority under the Water and Wastewater Treatment Authority and the Regional Water and Wastewater Treatment Authority Acts. - Amends TCA Section 9-21-1001; Section 68-221-611 and Section 68-221-1311. by *Baum.

House Bill No. 1729 -- Equalization Board - As introduced, authorizes the executive secretary of the state board of equalization to manage appeals before the board; authorizes the board, the executive secretary, or the executive secretary's designee to determine if a property no longer qualifies for a property tax exemption or to modify the tax-exempt status of a property; makes other related revisions. - Amends TCA Section 4-3-5105 and Title 67, Chapter 5. by *Leatherwood.

***House Bill No. 1730** -- Landlord and Tenant - As introduced, specifies that for purposes of postponement of trial in forcible entry and detainer proceedings, the term "civil court" includes diversionary courts created for special civil proceedings. - Amends TCA Section 29-18-118. by *Curcio.

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THURSDAY, JANUARY 13, 2022 – THIRTY-SEVENTH LEGISLATIVE DAY
UNOFFICIAL VERSION

***House Bill No. 1731** -- State Symbols - As introduced, names "I'll Leave My Heart in Tennessee" by Dailey and Vincent, written by Karen Staley, as an official state song. - Amends TCA Title 4, Chapter 1, Part 3. by *Windle.

***House Bill No. 1732** -- County Officers - As introduced, provides for the administrative suspension or removal of constables by criminal court judges under certain circumstances. - Amends TCA Title 8, Chapter 10; Title 8, Chapter 47 and Title 16. by *Hulsey.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 1673** -- Comptroller, State -- House State Government Committee

***House Bill No. 1674** -- Maury County -- House Local Government Committee

***House Bill No. 1675** -- Taxes, Privilege -- House Local Government Committee

***House Bill No. 1676** -- Education, State Board of -- House Education Instruction Committee

***House Bill No. 1677** -- County Government -- House Local Government Committee

***House Bill No. 1678** -- Criminal Offenses -- House Criminal Justice Committee

***House Bill No. 1679** -- Expunction -- House Criminal Justice Committee

***House Bill No. 1680** -- Gaming -- House State Government Committee

***House Bill No. 1681** -- Board of Regents -- House Education Administration Committee

***House Bill No. 1682** -- Alcoholic Beverage Commission -- House State Government Committee

***House Bill No. 1683** -- Education -- House Education Instruction Committee

***House Bill No. 1684** -- County Government -- House Local Government Committee

***House Bill No. 1685** -- Alcoholic Beverages -- House State Government Committee

***House Bill No. 1686** -- Health Care -- House Health Committee

***House Bill No. 1687** -- Teachers, Principals and School Personnel -- House Education Administration Committee

***House Bill No. 1688** -- Alcoholic Beverages -- House State Government Committee

***House Bill No. 1689** -- Alcoholic Beverages -- House State Government Committee

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THURSDAY, JANUARY 13, 2022 – THIRTY-SEVENTH LEGISLATIVE DAY
UNOFFICIAL VERSION

***House Bill No. 1690** -- Business and Commerce -- House Agriculture and Natural Resources Committee

***House Bill No. 1691** -- Sentencing -- Caption Bill Held on House Desk

House Bill No. 1692 -- State Employees -- House State Government Committee

***House Bill No. 1693** -- County Officers -- House Local Government Committee

***House Bill No. 1694** -- Religion and Religious Organizations -- House State Government Committee

***House Bill No. 1695** -- Pensions and Retirement Benefits -- House State Government Committee

***House Bill No. 1696** -- Criminal Offenses -- House Criminal Justice Committee

***House Bill No. 1697** -- Law Enforcement -- House State Government Committee

***House Bill No. 1698** -- Safety -- House Commerce Committee

House Bill No. 1699 -- Human Services, Dept. of -- House Health Committee

***House Bill No. 1700** -- Bond Issues -- House Finance, Ways, and Means Committee

***House Bill No. 1701** -- Appropriations -- House Finance, Ways, and Means Committee

***House Bill No. 1702** -- Budget Procedures -- House Finance, Ways, and Means Committee

***House Bill No. 1703** -- Budget Procedures -- House Finance, Ways, and Means Committee

***House Bill No. 1704** -- County Government -- House Local Government Committee

***House Bill No. 1705** -- Comptroller, State -- House Insurance Committee

House Bill No. 1706 -- Municipal Government -- House Local Government Committee

***House Bill No. 1707** -- Statutes and Codification -- House Civil Justice Committee

***House Bill No. 1708** -- Judges and Chancellors -- House Local Government Committee

***House Bill No. 1709** -- School Districts, Special -- House Local Government Committee

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**THURSDAY, JANUARY 13, 2022 – THIRTY-SEVENTH LEGISLATIVE DAY
UNOFFICIAL VERSION**

House Bill No. 1710 -- Local Education Agencies -- House Education Administration Committee

CONSENT CALENDAR

House Resolution No. 118 -- Memorials, Sports - South Pittsburg High School football team, TSSAA Division I Class A state champions. by *Warner, *Marsh.

House Resolution No. 119 -- Memorials, Recognition - Martin Luther King, Jr., Day. by *Lamar, *Thompson, *Camper, *Love.

***House Joint Resolution No. 657** -- Memorials, Death - Jimmy Cook. by *Keisling.

***House Joint Resolution No. 658** -- Memorials, Public Service - Mayor Michael Arnold. by *Garrett, *Kumar, *Lamberth.

***House Joint Resolution No. 659** -- Memorials, Retirement - Coach John Olive, Tullahoma High School football team. by *Bricken.

***House Joint Resolution No. 660** -- Memorials, Sports - Tullahoma High School Football Team, TSSAA Division I, Class 4A state champions. by *Bricken.

***House Joint Resolution No. 661** -- Memorials, Sports - Powell High School Panthers football team, TSSAA Division I, Class 5A state champions. by *Carringer, *Johnson G, *Lafferty, *Mannis, *Wright, *Zachary.

***House Joint Resolution No. 662** -- Memorials, Recognition - Dr. Kennard D. Brown. by *Cooper, *Camper.

***House Joint Resolution No. 663** -- Memorials, Recognition - Porter Elementary School, 150th anniversary. by *Moon, *Ramsey, *Russell, *Keisling.

OBJECTION--CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Resolution No. 119: by Rep. Rudd

Under the rules, House Resolution No. 119, was placed at the heel of the calendar for January 19, 2022.

Rep. Carringer moved that all members of the Knox County delegation voting aye on House Joint Resolution No. 661 be added as co-prime sponsors, which motion prevailed with the following member not added pursuant to the signed Sponsor Exclusion form: Rep. Ragan.

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and

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THURSDAY, JANUARY 13, 2022 – THIRTY-SEVENTH LEGISLATIVE DAY
UNOFFICIAL VERSION

House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 94
Noes..... 0

Representatives voting aye were: Alexander, Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Cooper, Crawford, Curcio, Doggett, Eldridge, Faison, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, Miller, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton--94

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Moon, **House Bill No. 1641** was recalled from the Commerce Committee and withdrawn from the House.

RULES SUSPENDED

Rep. Lamberth moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 775 out of order, which motion prevailed.

***Senate Joint Resolution No. 775** -- General Assembly, Recess & Reconvene - Provides for recess from close of business on January 13, 2022, until January 19, 2022, in observance of Dr. Martin Luther King, Jr. Day. by *Johnson.

On motion of Rep. Lamberth, the resolution was concurred in.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Lamar, **House Resolution No. 119** was withdrawn from the House.

RULES SUSPENDED

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THURSDAY, JANUARY 13, 2022 – THIRTY-SEVENTH LEGISLATIVE DAY
UNOFFICIAL VERSION

Rep. Lamar moved that the rules be suspended for the purpose of introducing House Resolution No. 120 out of order, which motion prevailed.

House Resolution No. 120 -- Memorials, Recognition - Martin Luther King, Jr., Day. by *Lamar, *Parkinson, *Love, *Shaw, *Hardaway, *Freeman.

On motion, the rules were suspended for the immediate consideration of the resolution.

Rep. Lamar moved that all members voting aye on House Resolution No. 120 be added as co-prime sponsors with the members of the Black Caucus listed first, which motion prevailed with the following member not added pursuant to the signed Sponsor Exclusion form: Rep. Ragan.

On motion of Rep. Lamar, the resolution was adopted.

A motion to reconsider was tabled.

ANNOUNCEMENTS

The Clerk announced that the Bill Filing Deadline in the House would be February 2, 2022.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1661 Reps. Camper, Mannis, Casada, Moon, Curcio and Boyd as prime sponsors.

SPONSORS WITHDRAWN

On Motion, Rep. Cepicky withdrew as sponsor of **House Bill No. 1671**.

MESSAGE FROM THE SENATE
January 13, 2022

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 775; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

SIGNED
January 13, 2022

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**THURSDAY, JANUARY 13, 2022 – THIRTY-SEVENTH LEGISLATIVE DAY
UNOFFICIAL VERSION**

The Speaker announced that he had signed the following: Senate Joint Resolution No. 775.

TAMMY LETZLER, Chief Clerk

**ENGROSSED BILLS
January 13, 2022**

MR. SPEAKER: The following bills have been examined, engrossed and are ready for transmission to the Senate: House Joint Resolutions Nos. 657, 658, 659, 660, 661, 662 and 663;

GREG GLASS, Chief Engrossing Clerk

**ENROLLED BILLS
January 13, 2022**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolutions Nos. 118 and 120; and find same correctly enrolled and ready for the signature of the Speaker.

GREG GLASS, Chief Engrossing Clerk

**SIGNED
January 13, 2022**

The Speaker announced that he had signed the following: House Resolutions Nos. 118 and 120.

GREG GLASS, Chief Engrossing Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 95

Representatives present were Alexander, Baum, Beck, Boyd, Bricken, Byrd, Calfee, Campbell S, Camper, Carr, Carringer, Casada, Cepicky, Chism, Clemmons, Cochran, Cooper, Crawford, Curcio, Doggett, Eldridge, Faison, Freeman, Gant, Garrett, Gillespie, Griffey, Grills, Hakeem, Halford, Hall, Hardaway, Harris, Haston, Hawk, Hazlewood, Helton, Hicks G, Hicks T, Hodges, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamar, Lamberth, Leatherwood, Littleton, Love, Lynn, Mannis, Marsh, McKenzie,

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THURSDAY, JANUARY 13, 2022 – THIRTY-SEVENTH LEGISLATIVE DAY
UNOFFICIAL VERSION

Miller, Moody, Moon, Ogles, Parkinson, Potts, Powell, Powers, Ragan, Ramsey, Reedy, Rudd, Rudder, Russell, Sexton J, Shaw, Sherrell, Smith, Sparks, Stewart, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, Weaver, White, Whitson, Williams, Windle, Wright, Zachary, Mr. Speaker Sexton -- 95

RECESS

On motion of Rep. Gant, pursuant to **Senate Joint Resolution No. 775**, the House stood in recess until 9:00 a.m., Wednesday, January 19, 2022.